

July 2, 2018

BY EMAIL cvarney@artsfoundtucson.org
AND CERTIFIED MAIL
Carol Varney, Executive Director
Arts Foundation for Tucson and Southern Arizona
33 South 5th Avenue
Tucson, Arizona 85701

Dear Ms. Varney:

Judicial Watch, on its own behalf and on behalf of concerned private citizens and other interested parties, pursuant to the Public Art Program Relocation and Deaccession policy of the City of Tucson, Arizona, Administrative Directive No. 7.01-7, dated September 16, 2006, hereby submits this request for deaccession of the Pancho Villa statue located at Veinte de Agosto Park (*between Broadway and Congress Street, west of Church Avenue*). The grounds for this request include but are not limited to overwhelming public objection to the Villa statue, the fact that the Villa statue was accepted, approved and sited without any public hearing or accountability, and the Villa statue endangers public safety. We request a public hearing on this request and full participation in the process due the request.

I. Sustained and Overwhelming Public Objection to the Villa Statue.

On May 25, 2018, Judicial Watch submitted a public records request to the City of Tucson pursuant to the Arizona Public Records Law, A.R.S. §§ 39-101 et seq., for the following public records concerning the Pancho Villa statue:

1. Any and all documents, contracts, MOUs and/or agreements pertaining to the donors' and/or City of Tucson 's obligations and/or the donation circumstances of the Pancho Villa statue.
2. Any and all documents, budgets, and/or expenditures for the City of Tucson fiscal years 1981 to 2018 regarding the maintenance, renovation, repair and/or security costs of the Pancho Villa statue.
3. Any and all communications, documents, legal briefs and/or publications regarding Tucson's civic interests involved in the creation and siting of the Pancho Villa statue.
4. Any and all requests for relocation and/or deaccession of the Pancho Villa statue received by the City of Tucson and/or the Arts Foundation for Tucson and Southern Arizona (AFTSA) and/or the Relocation/Deaccession Subcommittee of the Public Art and Community Design Committee (PACD) between June 30, 1981 to May 25, 2018.
5. Any and all policies, rules, ordinances and/or regulations regarding the relocation and/or deaccession of artwork owned and/or under the control of the City of Tucson.

A response to this request was received from the City of Tucson on or about June 11, 2018.

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The City's response failed to provide any records described in paragraph 2 relating to the cost to taxpayers of maintaining the Villa statue; and further it did not include any records described in paragraph 1 regarding the City's obligations with respect to the Villa statue. The records that were provided demonstrate overwhelming public objection to the Villa statue.

Specifically, out of fourteen communications from the public included in the response **only one** supported the Villa statue and that letter came from a non-resident of Arizona with a Newport, Rhode Island address and was dated sixteen days after the Villa statue was unveiled. **Thirteen communications**, all from Tucson residents and organizations – including the Veterans Affairs Committee for the City of Tucson, the Tucson Chapter of the Association of the United States Army, the Tucson Chapter of The Military Order of the World Wars, and the Patriotic and Civic Coordinating Council of Tucson – strongly **opposed** the Villa statue. The words used by this public outcry to describe what can only be widespread public opposition included –

"disagree," "very much against," "in opposition," "unanimously protest," "objection," "strongly opposing," "violently oppose," "protesting the building of a statue," and "contest that Pancho Villa statue;"

"bad taste," "a gross insult" "insult" "no business here" "inappropriate" "an error" "an affront;" and "it's a disgrace to the people of Arizona . . . send a monument of that nature of General George Pershing to the Mexican government."

"bandit, revolutionary," "gang of bandits," "murderer" (*six times*), "lawless," "rustler," "ravager," "bandit" (*three times*), "desperado" (*twice*), "outlaw" (*twice*), "a cruel crafty self-seeker without a sense of loyalty," and "abhor the aggrandizement of the terrorist, bandit, pillager and murderer Pancho Villa[.]"

Veterans groups, in particular, questioned Villa's connection to Tucson. "Pancho Villa did nothing to warrant the placing of his statue in Tucson." (*See* Letter, May 18, 1981, The Military Order of the World Wars). "Pancho Villa has never contributed to a beneficial relationship between the United States and Mexico[.]" (*See* Letter, May 15, 1981, Patriotic and Civic Coordinating Council of Tucson). These Veterans groups suggested, "It would be far more suitable to place on the mall a memorial to an American hero such as General Pershing who spent some time in Tucson[.]" (*See* Letter, May 18, 1981, The Military Order of the World Wars). "General Pershing was a winter visitor in Tucson for several years and had many friends in the community, it was here that he suffered a serious heart attack and was hospitalized for some time in what is now the Tucson Medical Center." (*See* Letter, May 14, 1981, Association of the United States Army).

II. The Villa Statue Was Erected Without Any Public Hearing or Accountability.

Notwithstanding, or perhaps even because of the overwhelming public objection to Villa statue, the records further demonstrate the Villa statue was accepted, approved, and sited in only two months time and without any public hearing, public involvement or accountability. The process was not open and transparent. The public was deliberately shut out according to the Chairman of the Veterans Affairs Committee for the City of Tucson, who wrote to the Mayor and City Council the following:

> This committee has asked that action particularly on the location of the statue be taken only after a **public hearing** on it so that Veterans organizations and other interested groups would have the opportunity to present their views. *** **A specific request was ignored** without providing the courtesy of acknowledgment. *** That this matter was referred to the Commission of Arts for recommendation was itself an error as the statue is not a mere esthetic problem but a political one that is found in the history of Southern Arizona. **Any organization that has concern for the United States and Arizona has interest in this action.**

(*Letter, May 18, 1981, Joan T. Wagman, Chairman, Veterans Affairs Committee*).

This same Chairman also opposed the Villa statue as a citizen and taxpayer, noting "it is supposed to have been put up by a private fund of the Governor," and requesting "an itemized account of every moment, every bucket of sand, every bag of cement." (*See* Transcribed Call No. 81-386, June 29, 1981). There are no records included in the response of any public financial accountability for the Villa statue.

III. The Villa Statue Endangers Public Safety.

Council Member Roy B. Laos candidly described one of the public safety problems with the Villa statue as follows:

> About moving it from Himmel Park to this location and the safety standards. I mean the safety problems associated with kids crossing the street.

(*See* Verbatim Transcript, Mayor and Council Study Session, May 11, 1981).

The records demonstrate no serious attention was paid to public safety. A prominent location took precedence over public safety.

Our investigation further indicates the Veinte de Agosto Park where the Villa statue sits was closed on August 10, 2015 due to its invasion by the Occupy Tucson movement that began in 2011. "[T]he City of Tucson posted park closed signs around Veinte de Agosto Park due to public health and safety concerns, including a young man's death at the park back in June [2015], where a major homeless encampment clean-up also took place." (*See* Indefinite Closure for Veinte de Agosto Park http://www.kvoa.com/story/29755826/indefinite-closure-for-veinte-de-agosto-park). The park was assigned a full-time 24/7 squad of law enforcement officers due to the invasion of this transient group. They lived out of "dream pods."

IV. Demand For A Public Hearing.

Judicial Watch requests a full, fair, open and transparent process for handling this request and the opportunity to fully participate in the process including, for example, attendance at the initial meeting of the Public Art and Community Design Committee. (*See* Administrative Directive 7.01-7, Public Art Program Relocation and Deaccession, September 16, 2006 ¶ VI.A.2.). We further request a public hearing on this request. (*See id.* ¶ VI.A.6.).

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Sincerely,

MARK SPENCER
Southwest Projects Coordinator
Judicial Watch, Inc.